

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

ANDREW D. MARING,)	
)	
Plaintiff)	
)	
vs.)	No. CIV-04-955-C
)	
CORRECTIONS CORPORATION)	
OF AMERICA, JOHN FERGUSON,)	
and JERRY PARKER,)	
)	
Defendants)	

MEMORANDUM OPINION AND ORDER

This action for habeas corpus relief brought by a prisoner, proceeding pro se, was referred to United States Magistrate Judge Valerie K. Couch, consistent with the provisions of 28 U.S.C. § 636(b)(1)(B). Judge Couch entered a Report and Recommendation on March 25, 2005, to which petitioner has timely objected. The Court therefore considers the matter de novo.

The facts and relevant law are set out in full in the accurate and well-reasoned opinion of the Magistrate Judge. Although Plaintiff reasserts his factual assertions in an attempt to avoid the application of the exhaustion requirement to the facts of this case, he totally fails to address those legal issues upon which Judge Couch bases her conclusions. Indeed, under the undisputed facts and applicable law, Defendants are entitled to dismissal of this action for failure to exhaust administrative remedies.

Accordingly, the Court adopts, in its entirety, the Report and Recommendation of the Magistrate Judge, and for the reasons announced therein, Defendants' Motion for Summary Judgment is granted and the case is dismissed without prejudice. All other pending motions are stricken as moot. A judgment will enter accordingly.

IT IS SO ORDERED this 6th day of May, 2005.



ROBIN J. CAUTHRON
United States District Judge